

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SHANELL BENNETT,

Plaintiff,

Case No. 2:16-cv-11884

v.

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL SECURITY,

MAGISTRATE ELIZABETH A. STAFFORD

Defendant.

---

**ORDER ADOPTING REPORT AND RECOMMENDATION [19],  
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [14],  
AND DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [16]**

The Commissioner of the Social Security Administration ("SSA") denied Shanell Bennett's application for Supplemental Security Income and Disability Insurance Benefits in a decision issued by an Administrative Law Judge ("ALJ"). The SSA Appeals Council declined to review the ruling, and Bennett appealed. The Court referred the matter to the magistrate judge and the parties filed cross-motions for summary judgment. The magistrate judge issued a Report and Recommendation ("Report") suggesting the Court grant Bennett's motion, deny the Commissioner's motion, and remand the case.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Because neither party filed timely objections, de novo review of the Report's conclusions is not required. Having examined the record, the Court finds that the magistrate judge's conclusions are factually based and legally sound.

Accordingly, it is hereby **ORDERED** that the magistrate judge's Report and Recommendation [19] is **ADOPTED**, Bennett's Motion for Summary Judgment [14] is

**GRANTED**, the Commissioner's Motion for Summary Judgment [16] is **DENIED**, and the case is **REMANDED** to the Commissioner for further administrative action, pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the ALJ shall reconsider Bennett's full range of limitations supported by the record, as discussed in the Report and Recommendation.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: August 16, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 16, 2017, by electronic and/or ordinary mail.

s/David P. Parker  
Case Manager